

Before the
Federal Communications Commission

Washington, DC 20554

In the Matter of)	
)	
)	
Adoption of Rules Relating to the)	RM-10012
Operation of Radio and Television)	
Stations Under Time Brokerage)	
Agreements)	

To: The Commission

**COMMENTS OF RADIO NEWBURYPORT, LLC
IN SUPPORT OF PETITION FOR RULEMAKING**

Radio Newburyport, LLC, (Commentator) hereby submits comments in support of the above referenced Notice of Proposed Rule Making. Radio Newburyport is licensee of AM radio station WNBK in Newburyport, Massachusetts.

Introduction

47 U.S.C. § 310(d) prohibits the unauthorized transfer of control of broadcast stations *to any person except upon application to the Commission and upon finding by the Commission that the public interest, convenience, and necessity will be served thereby.*

47 C.F.R. § 73.4267, that portion of the Federal Code dealing with time brokerage agreements, is comprised of three documents, FCC 80-621, FCC 92-97, and FCC 92-361.

Statement

While Radio Newburyport does not currently engage in time brokerage agreements, nor does it foresee doing so in the near future, it finds little clear guidance in existing regulations and enforcement history with which to assess this alternative means of revenue generation as it applies to the modern-day extension of the concept: the Local Marketing Agreement (LMA.)

It appears to Commentator that broadcast licensees currently engaged in LMA activity, in an attempt to avoid running afoul of relevant federal law, follow a loosely structured set of procedures with respect to essential station expenses, equipment ownership, and minimum levels of staffing. Unanimity is lacking between the industry, the Commission, and the Mass Media Bureau as to specific procedures a broadcast licensee is expected to implement and follow in order to avoid either an apparent or de facto unauthorized transfer of control.

The Commission last addressed these matters in MM Docket 91-140 adopted on August 5, 1992 and in the Federal Register on October 14, 1994. Commentator believes the evolution of simple time brokerage contracts into the modern-day LMA to have raised additional and unaddressed issues relating to business relationships and division of responsibilities that are now ripe for review. The public interest will be served by the promulgation of clearly defined regulations for broadcasters to follow to assure compliance with the letter and spirit of the Communications Act of 1934, as amended, § 310(d) within the structure of present day ownership rules and limits.

We respectfully urge the Commission to initiate a full Notice of Proposed Rulemaking procedure in the matter of time brokerage and Local Marketing Agreements.

Respectfully submitted,

Radio Newburyport, LLC.

/s/ Robert F. Fuller
Member

December 26, 2000